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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,311	04/14/2000	Jouni Pyotsia	PM 268185	9122

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EXAMINER

BARNES, CRYSTAL J

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/550,311

Applicant(s)

PYOTSIA ET AL.

Examiner

Crystal J. Barnes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 15 is/are rejected.
- 7) ☒ Claim(s) 4 and 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference number 5 in figure 1 does not appear in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be

new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 2 recites the limitation "said interactive use interface" in line 15.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 6, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by EPPN 0825506 A2 to THIBAUT et al.

As per claim 1 wherein a control system for controlling configuring or monitoring field devices in an industrial process, said control system being connected to a plurality of field devices and comprising at least one mobile terminal [client digital data processor 12, 14] arranged to communicate with the control system [server digital data processor 16] over a cellular communication system [network 18] in order to selectively remotely control, configure or monitor the field devices [process control apparatus 19a-19e], an interactive user interface [web browser 22, 24; interface section 25b] associated with the control system [server digital data processor 16], said user interface [web browser 22, 24; interface section 25b] utilizing configuration, control and management data of the control system [server digital data processor 16] and being accessible by the

mobile terminal [client digital data processor 12, 14] through a dedicated data connection established over the cellular communication system [network 18], in order to selectively control, configure or monitor the field devices [process control apparatus 19a-19e] connected to the control system [server digital data processor 16]; the THIBAULT et al. reference discloses a system 10 includes client digital data processors 12, 14 and server digital data processor 16 connected to one another via network 18 (see figure 1 and column 3 lines 32-36). The processor control apparatus include conventional control/sensing devices (see column 3 lines 40-50). Client digital data processors 12, 14 are illustrated as a portable computer and a personal digital assistant, respectively (see column 4 lines 6-15). The network 18 comprises any conventional digital data processing network, cable television-based network, wireless network and/or any telecommunication-based network capable of supporting communications between server digital data processor 16 and client digital processors 12, 14 (see column 4 lines 16-21). The information clients 22, 24 particularly, initiate communications with the information server 20 over the network, request and receive from the information server 20 an applet, and define a platform-independent virtual machine environment within the respective client digital data processor 12, 15 (see column 5

lines 7-24). Each applet 26, 28 configures its respective client digital data processors as a process controller that establishes communications over the network 18 with command processor front-end 25a and that monitors and/or controls the process control apparatus 19a-19e via those communications (see column 7 lines 47-55).

As per claim 2 wherein said interactive use interface [web browser 22, 24; interface section 25b] modifies the content of the interactive user interface [web browser 22, 24; interface section 25b] in response to requests or selections made by the mobile terminal [client digital data processor 12, 14] and on basis of the configuration, control and management data retrieved from the control system [server digital data processor 16], and creates control or configuration commands [command processor 25] to the control system [server digital data processor 16] in response to selections or inputs made by the mobile terminal [client digital data processor 12, 14] user in the interactive user interface [web browser 22, 24; interface section 25b]; the THIBAUT et al. reference discloses in addition to information server 20, server digital data processor 16 includes command processor 25, comprising front-end 25a, interface section 25b, and an object

manager 25c (see column 5 lines 46-56). The web browser 22 displays the HTML on the operator console (see figure 2 and column 8 lines 47-48).

As per claim 3 wherein said control system [server digital data processor 16] controls or configures the field devices [process control apparatus 19a-19e] according to the commands from the interactive user interface [web browser 22, 24; interface section 25b]; the THIBAULT et al. reference discloses the process controllers also receive information from the command processor 25, e.g., for display to an operator (see column 8 lines 2-3). Once communications are established, the applet 26, 28 generates a display on the operator console of the client digital data processor 12 and permits the operator to enter the names of process control apparatus data values that are to be graphed (see column 9 lines 12-16).

As per claim 5 wherein a control system [server digital data processor 16] for controlling configuring or monitoring field devices [process control apparatus 19a-19e] in an industrial process, said control system [server digital data processor 16] being connected to a plurality of field devices [process control apparatus 19a-19e] and comprising at least one mobile terminal [client digital data processor 12, 14] arranged to communicate with the control system [server digital data



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processor 16] over a cellular communication system [network 18] in order to selectively remotely control, configure or monitor the field devices [process control apparatus 19a-19e], a Word Wide Web (WWW) server [information server 20] associated with the control system [server digital data processor 16], said WWW server [information server 20] utilizing the configuration, control and management data of the control system for providing at least one interactive WWW page [HTML page] which is accessible through a TCP/IP network [network 18] and a data connection between the mobile terminal and an access server connected to the TCP/IP network, a browser in the mobile terminal [client digital data processor 12, 14] for interacting with the interactive WWW page [HTML page] through said data connection, access server [server digital data processor 16] and the TCP/IP network [network 18], in order to selectively control, configure or monitor the field devices [process control apparatus 19a-19e] connected to the control system [server digital data processor 16]; the THIBAULT et al. reference discloses the network 18 preferably comprises the global Internet and/or an enterprise-based Intranet supporting communications via the TCP/IP protocol (see column 4 lines 21-31). Once communications are established, the front-end 25a responds to requests received from applets 26, 28 over network 18 to transfer

information to and from process control apparatus 19a-19e via the object manager 25c (see column 7 lines 2-6). Also see rejection of claim 1.

As per claim 6 wherein said WWW server [information server 20] modifies the content of the interactive WWW pages [HTML page] in response to requests or selections made by the mobile terminal [client digital data processor 12, 14] and on basis of the configuration, control and- management data of the control system [server digital data processor 16], and to create control or configuration commands [command processor 25] to the control system [server digital data processor 16] in response to selections or inputs made by the mobile terminal [client digital data processor 12, 14] user in the interactive WWW pages [HTML page]; the THIBAUT et al. reference discloses communication begins with the operator signaling the information client 22 to establish communications with the server digital data processor 16 over the network 18 (see figure 2 and column 8 lines 30-37). In response the operator's request, the information client 22 generates and transmits over network 18 a request for connection with information server 20 executing on server digital data processor 16 (see column 8 lines 38-42). Also see rejection of claim 2.

As per claim 15 wherein control system for controlling configuring or monitoring field devices in an industrial process, said control system being connected to a plurality of field devices and comprising at least one mobile terminal [client digital data processors 12, 14] arranged to communicate with the control system [server digital data processor 16] over a cellular communication system [network 18] in order to selectively remotely control, configure or monitor the field devices [process control apparatus 19a-19e] a Word Wide Web (WWW) server [information server 20] associated with the control system [server digital data processor 16], said WWW server [information server 20] utilizing the configuration, control and management data of the control system [server digital data processor 16] for providing at least one interactive WWW page [HTML page] which is accessible through a TCP/IP network [network 18] and a data connection between the mobile terminal [client digital data processors 12, 14] and an access server [server digital data processor 16] connected to the TCP/IP network [network 18], a browser [web browser 22, 24] in the mobile terminal [client digital data processors 12, 14] for interacting with the interactive WWW page [HTML page] through said data connection, access server [server digital data processor 16] and the TCP/IP network [network 18], in order to selectively control, configure

or monitor the field devices [process control apparatus 19a-19e] connected to the control system [server digital data processor 16], said WWW server [information server 20] modifies the content of the interactive WWW pages [HTML page] in response to requests or selections made by the mobile terminal [client digital data processors 12, 14] and on basis of the configuration, control and management data of the control system [server digital data processor 16], and creates control or configuration commands [command processor 25] to the control system [server digital data processor 16] in response to selections or inputs made by the mobile terminal [client digital data processors 12, 14] user in the interactive WWW pages [HTML page]; see rejections above.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPPN 0825506 A2 to THIBAULT et al.

As per claims 7 and 8 wherein a Wireless Application Protocol (WAP) is used between the access server [server digital data processor 16] and the mobile terminal [client digital data processors 12, 14], and the WWW protocol [TCP/IP protocol] being used between the access server [server digital data processor 16] and the WWW server [information server 20]; the THIBAULT et al. reference discloses the network 18 preferably comprises the global Internet and/or an enterprise-based Intranet supporting communications via the TCP/IP protocol (see column 4 lines 21-31).

The THIBAULT et al. reference does not expressly disclose a Wireless Application Protocol (WAP) is used between the access server and the mobile terminal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to update the protocol taught by the THIBAULT et al. reference to include the current standard protocol of the Internet (see column 4 lines 24-25).

One of ordinary skill in the art would have been motivated to modify the protocol taught by the THIBAULT et al. reference because utilization of networks supporting other protocols is advantageous insofar as it permits the use of other commercially available products (see column 4 lines 25-29). Those skilled in the art will appreciate that the invention is applicable to networks supporting other protocols (see column 4 lines 29-30).

*Allowable Subject Matter*

10. Claims 4 and 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to controlling remote devices in general:

US Pub. No. 2002/0130846 A1 to Nixon et al.

USPN 6,415,245 B2 to Williams et al.

US Pub. No. 2002/0049565 A1 to Kirila, II et al.

US Pub. No. 2002/00197909 A1 to Segal

The following patents are cited to further show the state of the art with respect to wireless communication systems in general:

US Pub. No. 2002/0019725 A1 to Petite

USPN 6,139,177 to Venkatraman et al.

USPN 6,020,881 to Naughton et al.

USPN 5,956,487 to Venkatraman et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 703.305.8498. The fax phone numbers for the organization where this application or proceeding is

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assigned are 703.746.7239 for regular communications and 703.746.7238 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
703.305.3900.

cjb  
March 21, 2003



**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**